

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JERRY J. PAINADATH,

*Plaintiff,*

v.

MELISSA LATTANZIO, et al.,

*Defendants.*

CIVIL ACTION  
NO. 22-3604

**ORDER**

**AND NOW**, this 28th day of December 2023, upon consideration of Plaintiff's Second Amended Complaint (ECF 35), Defendant's Motion to Dismiss (ECF 37) and Motion to Strike (ECF 40), Plaintiff's Response to the Motion to Strike (ECF 41), Defendant's Response in Support of the Motion to Strike (ECF 43), Plaintiff's Motion to Strike "Exhibit A" of Defendant's Motion to Strike (ECF 44), Defendant's Response in Opposition to Plaintiff's Motion to Strike (ECF 45), Plaintiff's Response in Support of the Motion to Strike (ECF 46), and Response in Opposition to Defendant's Motion to Strike/Motion to Dismiss (ECF 47) it is hereby **ORDERED** as follows:

1. ECF 37 is **GRANTED** in part and **DENIED** in part. Defendant's motion is **DENIED** as to Counts I and IV and **GRANTED** as to Counts II and III. Counts II and III are **DISMISSED** without prejudice. Painadath may file a new third amended complaint on or before February 2, 2024 which includes Counts I and IV from the second amended complaint. He may reassert Counts II and III if he can correct the deficiencies in those counts discussed in the Court's accompanying Memorandum. Finally, he may include the national origin discrimination claim from his prior, improperly filed, third amended complaint.
2. ECF 40 is **GRANTED**.
3. ECF 44 is **DENIED**.

BY THE COURT:

*/s/ Gerald J. Pappert*  
GERALD J. PAPPERT, J.